

By letter dated May 23, 2007, the Office asked appellant to submit additional evidence, including a physician's report containing a diagnosis and a rationalized explanation as to how the diagnosed condition was caused or aggravated by his job factors.

In a November 21, 2006 report, Dr. Alan Rohrer diagnosed lateral epicondylitis. He noted that appellant provided a history of experiencing pain in his lateral right elbow for approximately two months which was exacerbated by rotating his forearm or lifting. In a disability certificate dated April 23, 2007, a physician indicated that appellant had repetitive muscular injury and needed a wrist pad to better support his arms while he used a computer. In a May 11, 2007 note and disability certificate, Dr. Eric Ingersol diagnosed right elbow tendinitis and Achilles tendinitis and recommended that appellant avoid" aggravating activities. He referred appellant for physical therapy.

In a decision dated July 5, 2007¹ the Office denied appellant's claim on the grounds that the medical evidence did not establish that his right elbow condition was causally related to using a computer keyboard for six hours a day or any other factors of his federal employment.

LEGAL PRECEDENT

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical evidence.² Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.³

¹ By decision dated June 25, 2007, the Office originally denied appellant's claim for a right elbow condition on the grounds that fact of injury was not established as the factual evidence was not sufficient to establish the occurrence of an employment incident and the medical evidence did not establish that appellant had a medical condition causally related to his employment.

² *Michael S. Mina*, 57 ECAB ___ (Docket No. 05-1763, issued February 7, 2006).

³ *Gary J. Watling*, 52 ECAB 278 (2001); *Gloria J. McPherson*, 51 ECAB 441 (2000).

ANALYSIS

The Board finds that appellant has failed to meet his burden of proof in establishing that his right elbow condition is causally related to factors of his federal employment.

Dr. Rohrer diagnosed lateral epicondylitis of appellant's right elbow and noted a history of pain for approximately two months, exacerbated by rotating his forearm or lifting. However, he did not explain how appellant's epicondylitis was caused or aggravated by his job, including the use of a computer keyboard for six hours a day at work. Therefore, Dr. Rohrer's report is not sufficient to establish that appellant sustained a work-related right elbow condition. In a disability certificate, a physician indicated that appellant had a repetitive muscular injury and needed a wrist pad to better support his arms while he used a computer. However, this physician provided no specific diagnosis and no medical rationale explaining how appellant's right arm condition was causally related to his computer use. Therefore, this disability certificate is not sufficient to discharge appellant's burden of proof in establishing a causal relationship of his right arm condition to his employment. Dr. Ingersol diagnosed right elbow tendinitis and recommended that appellant avoid aggravating activities. However, he did not explain how appellant's right elbow tendinitis was causally related to his use of a computer keyboard or any other employment factor. Therefore, Dr. Ingersol's report is not sufficient to establish that appellant's right elbow tendinitis is causally related to factors of his employment.

CONCLUSION

The Board finds that appellant failed to meet his burden of proof in establishing that he sustained a right elbow injury causally related to factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 5, 2007 is affirmed.

Issued: December 14, 2007
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board